

Appl. No. 10/750,505  
 Amendment dated January 14, 2008  
 Reply to Office Action of October 17, 2007

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### REMARKS/ARGUMENTS

Claims 1-8, 10-19, 21, 22, 35-39, 41-46 and 48 are presented for the Examiner's consideration. Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

### Case Family

The following data with respect to the family of cases related to the present application is presented for the Examiner's information.

Appl. No./ Atty Docket No.	Examiner (Art Unit)	Current status	References cited in current rejections
10/366,372 17858	Ginger T. Chapman (3761)	Response on November 27, 2007 to Non-Final OA dated September 5, 2007.	3,561,446 2,764,859 5,484,636
10/750,479 17858.1	Jacqueline F. Stephens (3761)	Brief on Appeal filed on January 11, 2008.	6,318,555
10/750,505 17858.2	Sameh Tawfik (3721)	This Response to Non- Final OA dated October 17, 2007.	JP 10-095,481
10/749,988 17858.3	Luan Kim Bui (3728)	Response on December 12, 2007 to Non-Final OA dated September 19, 2007.	3,403,776 2,676,702 JP 10-095,481 6,640,976 3,286,435 4,896,768

### Rejections Under 35 U.S.C. § 103(a)

#### Kao does not teach or suggest each and every element of the claimed invention.

By way of the Office Action mailed October 17, 2007, the Examiner rejects claims 1-8, 10-19, 21, 22, 35-39, 41-46 and 48 under 35 U.S.C. § 103(a) as allegedly being obvious and thus unpatentable over Japanese patent document JP 10-095,481 to Kao (hereinafter "Kao"). This rejection is respectfully traversed.

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With respect to independent claims 1, 12, 35, and 42, there is no motivation or suggestion in Kao for one of skill in the art to modify the Kao disclosure to achieve the claimed invention. Kao and the present application describe completely different ways of reducing at least one dimension of an absorbent article. Kao describes compressing an absorbent article to decrease the thickness of the article. See translation, paragraphs 0015 and 0019. The ratios listed by Kao and referenced by the Examiner are a comparison of the thicknesses of an unpackaged, uncompressed article to a packaged, compressed article. Such articles may or may not be folded; the status of folding is irrelevant to the comparison as long as, presumably, the item has the same folds before and after in the comparison. The width and height dimensions of Kao's absorbent articles do not change appreciably under Kao's compression. As a result, Kao does not teach experimenting with reducing the area or footprint of an absorbent article, only compressing the article's thickness.

On the contrary, the present invention claims a reduction in the overall footprint or area of an absorbent article by folding the absorbent article. The resulting folded article may very well have an increased thickness compared to an unfolded article, which is opposite the effect sought by Kao. That the folding of the present invention and the compression of Kao are not equivalent may be further illustrated by examining the figures in Kao. Folding an absorbent article would likely nearly double the thickness of the article, whereas Kao actually sought to reduce the thickness of the article by compressing the article.

The Examiner states that Kao discusses compressing an absorbent article as the *in re Aller* "general condition" one skilled in the art may optimize through routine experimentation. Because Kao describes only compressing a stack of articles to make the stack thinner, one skilled in the art may be led to experiment with compressing a stack of articles to make the stack thinner. But that experimentation will not reduce the folded dimensions of the article as required by the claimed invention. There is nothing in Kao that teaches that any article folding beyond a typical, perfunctory fold is desirable or even possible. Kao does not teach or suggest the claimed invention to one skilled in the art.

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In addition, a position such as the Examiner's appears to be the very position rejected by the court in *In re Antonie* 195 USPQ 6 (CCPA 1977). In particular, the court noted that an assertion that it would always be obvious to one of ordinary skill in the art to try varying every parameter of a system in order to optimize the effectiveness of the system is improper "if there is no evidence in the record that the prior art recognized that particular parameter affected the result" (*Id. at 8 (emphasis added)*). Thus, the court made it clear that the recognition of a particular parameter as a subject for optimization must come from the cited reference, in this case Kao.

The comparison of folded verses unfolded configuration areas in the present application is quite dissimilar from the comparison of compressed verses uncompressed thicknesses in Kao. There is no way to compare a thickness compression ratio to an area reduction ratio as these are separate and independent physical mechanisms.

For the reasons stated above, it is respectfully submitted that all of the presently presented claims are in form for allowance.

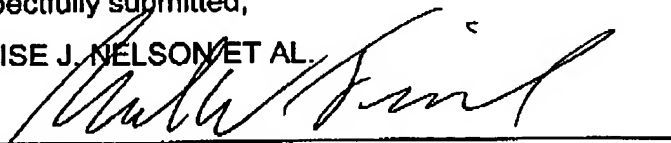
Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 920-721-8863.

Respectfully submitted,

DENISE J. NELSON ET AL.

By

  
Randall W. Fieldhack  
Registration No.: 43,611  
Attorney for Applicant(s)